

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION (ST) NO.2645 OF 2017

Shri Sadashiv Joti Gunjvate	... Petitioner
v/s	
The State of Maharashtra and others	... Respondents

Shri J.P. Kharge for Petitioner.
Mrs S.L. Babar, AGP for Respondent Nos.1, 2 and 4.
Shri S.P. Kadam for Respondent No.3.
Shri A. B. Borkar for Respondent No.5.

CORAM : R. M. SAVANT, J.
DATE : 2nd February 2017

P.C.

1 The writ jurisdiction of this Court is invoked against the order dated 23rd January 2017 passed by the District Co-operative Election Authority and Regional Director (Sugar), Kolhapur Division, Kolhapur by which order the Appeal filed by the Petitioner came to be dismissed. The Petitioner was desirous of contesting the elections to the Board of Directors of the Respondent No.3 – Sugar Factory which is a Co-operative Society registered under the Maharashtra Co-operative Societies Act 1960 (for short, the said Act).

2. The Petitioner is a producer member and was desirous to contest

the elections from Gat No.3, Constituency No.1. The Respondent No.5 herein took an objection to the acceptance of the nomination of the Petitioner on the ground that the proposer of the Petitioner being himself a candidate, he could not have proposed the Petitioner and that the same is in violation of the Co-operative Societies Election Rules and especially Rule 20(e) thereof.

3. The said objection was sustained by the Returning Officer who rejected the nomination of the Petitioner on the ground that since the Petitioner's proposer Shivaji Joti Gunjvate is himself a candidate in the said Constituency, he could not have proposed the name of the Petitioner as there is only one seat. The said order passed by the Returning Officer was taken exception to by the Petitioner by way of an Appeal under section 152 of the said Act. The appellate Authority i.e. District Co-operative Election Officer did not find any reason to interfere with the rejection of the nomination of the Petitioner. The appeal filed by the Petitioner accordingly came to be dismissed by the impugned order dated 23rd January 2017.

The election programme is at the stage where the final list of contesting candidates has been published on 30th January 2017 and what remains as per the election programme is only the voting which is to take place on 12th February 2017.

4. Having regard to the reasons mentioned in the impugned order as also having regard to the aforesaid fact, no case for interference in the writ jurisdiction of this Court is made out. The above Writ Petition is accordingly dismissed. However, it is open for the Petitioner to adopt appropriate proceedings after the elections are over, if the occasion so arises. If any such proceedings are filed, needless to state that they would be tried on their own merits and in accordance with law.

[R.M.SAVANT, J]